

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ROBIN A. JONES,

Plaintiff,

V.

RACHEL POND, et al.,

Defendants.

Case No. 1:23-cv-01489-JLT-SAB

**ORDER GRANTING IN PART
PLAINTIFF'S REQUEST FOR AN
EXTENSION OF TIME TO EXECUTE
SERVICE ON DEFENDANTS**

(ECF No. 18)

Robin A. Jones ("Plaintiff") proceeding pro se filed this action on October 18, 2023.

(ECF No. 1.) On January 2, 2024, Plaintiff paid the filing fee and the summons and new case documents in this matter issued on January 30, 2024. (ECF Nos. 10, 11, 12, 13.) On March 29, 2024, Plaintiff filed a motion for an extension of time to serve the defendants which was granted, and Plaintiff was ordered to execute service by June 10, 2024. (ECF Nos. 15, 16.) On June 11, 2024, an order issued requiring Plaintiff to file a status report on service. (ECF No. 17.)

On June 20, 2024, Plaintiff filed a motion for an extension of time to execute service on the defendants. (ECF No. 18.) Plaintiff states that she has been looking for employment and is now working fulltime and is seeking an attorney who can affect service in this matter. (*Id.* at 1.) The order setting the mandatory scheduling conference states,

the plaintiff shall diligently pursue service of the summons and complaint and dismiss those defendants against whom the plaintiff will not pursue claims. The plaintiff shall promptly file proofs of service of the summons and complaint so

1 the Court has a record of service. Counsel are referred to Fed. R. Civ. P. 4,
2 regarding the requirement of timely service of the complaint. Failure to timely
3 serve the summons and complaint may result in the imposition of sanctions,
4 including dismissal of unserved defendants.

4 (Order Setting Mandatory Scheduling Conference, 1-2, ECF No. 14.)

5 Rule 4 of the Federal Rules of Civil Procedure provides:

6 If a defendant is not served within 90 days after the complaint is filed, the court--
7 on motion or on its own after notice to the plaintiff--must dismiss the action
8 without prejudice against that defendant or order that service be made within a
9 specified time. But if the plaintiff shows good cause for the failure, the court must
10 extend the time for service for an appropriate period.

11 Fed. R. Civ. P. 4(m).

12 The Court shall grant Plaintiff one final extension of time to serve the defendants with
13 summonses in this matter. However, the Court notes that Plaintiff has now had over five months
14 to serve the defendants and has not served any defendant. If Plaintiff fails to serve the
15 defendants by the deadline provided, the Court will recommend that this action be dismissed as it
16 would appear that Plaintiff does not intend to diligently prosecute this matter.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff is granted an extension of time to **July 30, 2024**, to serve the defendants
19 in this matter; and
- 20 2. If Plaintiff fails to serve the defendants in compliance with this order, the Court
21 will recommend to the district judge that this action be dismissed for failure to
22 serve and failure to obey a court order.

23 IT IS SO ORDERED.

24 Dated: June 21, 2024



25 UNITED STATES MAGISTRATE JUDGE

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